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Attorney for the Defendant,
Ulises Pizano-Diaz

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

YAGOUBZADEH LAW FIRM
LLP, a California Limited Liability
Partnership;

Plaintiff,

v.

ULISES PIZANO-DIAZ,

Defendant.

Case No.: 2:23-cv-08299-GW-MAR

**STATEMENT OF
UNCONTROVERTED FACTS IN
SUPPORT OF DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT**



Hearing Date: **December 12, 2024**
Time: **8:30 a.m.**
Judge: **9D**

Hon. George H. Wu

Defendant Ulises Pizano-Diaz ("Diaz" or "Defendant") hereby submits the following Statement of Uncontroverted Facts in support of Defendant's Motion for Summary Judgment.

	Uncontroverted	Evidence in Support
1	Plaintiff is a purveyor of legal services.	The Parties are in Agreement
2	On December 20, 2019, Plaintiff filed a federal trademark application for the trademark: “1-800-LUCHADOR for <i>legal services</i> in international class 045, application serial no. 88736099.	The Parties are in Agreement
3	On December 13, 2022, Plaintiff’s federal trademark application for the trademark “1-800-LUCHADOR” for <i>legal services</i> in international class 045 is granted and assigned registration no. 6920485.	The Parties are in Agreement
4	Plaintiff was did not file a §2(f) affidavit of acquired distinctiveness as part of application serial no. 88736099.	The Parties are in Agreement
5	The word “LUCHADOR” is a Spanish word that translates to the English word “FIGHTER.”	The Parties are in Agreement
6	The word “FIGHTER” is highly descriptive of “ <i>legal services</i> .”	Declaration of Welch
7	There are over 50 federal registrations for “ <i>legal services</i> .”	Declaration of Welch

	that include the word “FIGHTER” or its base word “FIGHT.”	
8	There are multiple purveyors of “ <i>legal services</i> ” that use common law trademarks that include the word “FIGHTER” or its base word “FIGHT.”	Declaration of Welch
9	Defendant is a purveyor of legal services.	The Parties are in Agreement
10	Defendant is currently using the trademark LUCHADOR LAWYER in conjunction with <i>legal services</i> .	The Parties are in Agreement
11	Defendant currently owns a pending federal trademark application for the trademark LUCHADOR LAWYER for <i>legal services</i> in international class 045, application serial no. 98527115.	The Parties are in Agreement
12	Defendant is currently using the trademark ABOGADO LUCHADOR in conjunction with <i>legal services</i> .	The Parties are in Agreement
13	Defendant currently owns a pending federal trademark application for the trademark ABOGADO LUCHADOR in conjunction with <i>legal services</i> in international class 045, application serial no.	The Parties are in Agreement

1		98527093.	
2	14	Defendant is using the trademark:	The Parties are in Agreement
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7		in conjunction with <i>legal services</i> .	
8	15	Defendant currently owns a pending	The Parties are in Agreement
9		federal trademark application for	
10		the trademark:	
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15		in conjunction with <i>legal services</i> in	
16		international class 045, application	
17		serial no. 98527171.	
18			

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20 Dated this 14th day of November 2024

21 By: /s/ Kevin M Welch/

22 Kevin M. Welch (SBN 254565)

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Ulises Pizano-Diaz

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